

1 by an impartial jury of not less than six, upon a verdict  
2 of not less than five-sixths, as prescribed by law.

3 In other words, the verdict of not less than  
4 five-sixths would refer only to trial. Your amendment is  
5 incomplete. It would have to read something like, to have  
6 a speedy and public trial by an impartial jury of not less  
7 than six persons, and shall not be adjudged built upon a  
8 verdict of less than five-sixths, or some similar phrase.

9 Do you follow the point?

10 DELEGATE HENDERSON: I would accept that.

11 THE CHAIRMAN: Delegate Churchill Murray.

12 DELEGATE E. C. MURRAY: May I direct a question  
13 to Judge Henderson?

14 THE CHAIRMAN: State your question.

15 DELEGATE E. C. MURRAY: Would he be willing to  
16 add whatever words are necessary to exclude capital crimes?

17 I don't think it was ever the intent to include  
18 capital crimes with a conviction of five-sixths, or what-  
19 ever proportion he proposes. I know that the British have  
20 not done this.

21 THE CHAIRMAN: Delegate Henderson.